

**REMARKS/ARGUMENTS**

This reply is fully responsive to the Office Action dated March 16, 2009, and is filed within THREE - (3) months following the mailing date of the Office Action.

5

**Objection/Rejection Summary:**

This application has been carefully reviewed in light of the Office Action of March 16, 2009, wherein:

- A. Claims 1, 10, and 28 were objected to because of formalities;
- 10 B. Claims 1, 6, 7, 10, 13, 28-30, 33-36, and 39 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,613,990, issued to Halpern (hereinafter referred to as the Halpern patent);
- C. Claims 16-27 were allowed; and
- D. Claims 2-5, 8, 9, 11, 12, 14, 15, 31, 32, and 37-38 were objected to but allowable.

15

**Claim Objections**

- A. In the current Office Action, the Examiner objected to Claims 1, 10, and 28 were objected to because of formalities.

- 20 The Examiner objected to the claims because of formalities. With respect to Claims 1 and 10, the Examiner stated that the word “covey” should be replaced with the word “convey.” Regarding Claims 3, 11, 17, and 24, the Examiner suggested that the word “ID” should be replaced with “identifier.” The Applicants direct the Examiner to claim amendments included herewith which have been amended per the Examiner’s suggestions.

- 25 Additionally, with respect to Claim 28, the Examiner stated that the claim recites the limitation “the cluster,” but that there was insufficient antecedent basis for this element. The Applicants direct the Examiner to currently amended Claim 28 which has been amended to address the antecedent basis issue.

Thus, given the amendments described above, the Applicants respectfully request that the Examiner withdraw this objection and provide for timely allowance of the application.

**Claims Rejections – 35 U.S.C. 102(b)**

5       **B. Claims 1, 6, 7, 10, 13, 28-30, 33-36, and 39 were rejected under 35 U.S.C.  
102(b) as being anticipated by the Halpern patent.**

**Claim 1**

As noted below, the Examiner stated that Claim 3 would be allowed if amended into  
10 independent form. As such, Claim 1 has been amended to include the allowable subject  
matter from Claim 3. Thus, Claim 1 is now in allowable condition. Therefore, the  
Applicants respectfully request that the Examiner withdraw this rejection and provide for  
timely allowance of the claim.

15       **Claims 6 and 7**

With respect to Claims 6 and 7, they now depend from allowable Claim 1. Therefore, the  
Applicants respectfully request that the Examiner withdraw this rejection and provide for  
timely allowance of the claims.

20       **Claim 10**

As noted below, the Examiner stated that Claim 11 would be allowed if amended into  
independent form. As such, Claim 10 has been amended to include the allowable subject  
matter from Claim 11. Thus, Claim 10 is now in allowable condition. Therefore, the  
Applicants respectfully request that the Examiner withdraw this rejection and provide for  
25       timely allowance of the claim.

**Claim 13**

With respect to Claim 13, it now depends from allowable Claim 10. Therefore, the  
Applicants respectfully request that the Examiner withdraw this rejection and provide for  
30       timely allowance of the claim.

**Claim 28**

As noted below, the Examiner stated that Claim 32 would be allowed if amended into independent form. As such, Claim 28 has been amended to include the allowable subject matter from Claim 32. Thus, Claim 28 is now in allowable condition. Therefore, the Applicants respectfully request that the Examiner withdraw this rejection and provide for timely allowance of the claim.

**Claims 29, 30, and 33**

10 With respect to Claims 29, 30, and 33, they now depend from allowable Claim 28. Therefore, the Applicants respectfully request that the Examiner withdraw this rejection and provide for timely allowance of the claims.

**Claim 34**

15 As noted below, the Examiner stated that Claim 38 would be allowed if amended into independent form. As such, Claim 34 has been amended to include the allowable subject matter from Claim 38. Thus, Claim 34 is now in allowable condition. Therefore, the Applicants respectfully request that the Examiner withdraw this rejection and provide for timely allowance of the claim.

20

**Claims 35, 36, and 39**

With respect to Claims 35, 36, and 39, they now depend from allowable Claim 34. Therefore, the Applicants respectfully request that the Examiner withdraw this rejection and provide for timely allowance of the claims.

25

**Allowed Claims****C. Claims 16-27 were allowed.**

The Examiner stated that Claims 16-27 were allowed. The Applicants thank the

30 Examiner for the statement of allowed claims and respectfully solicit timely allowance of the application.

**Allowable Subject Matter**

**D. Claims 2-5, 8, 9, 11, 12, 14, 15, 31, 32, and 37-38 were objected to but allowable.**

5

The Examiner stated that Claims 2-5, 8, 9, 11, 12, 14, 15, 31, 32, and 37-38 were objected to but would be allowed if amended into independent form. As such and as noted above, allowable Claim 3 was amended into independent Claim 1, allowable Claim 11 was amended into independent Claim 10, allowable Claim 32 has been amended into independent Claim 28, and allowable Claim 38 has been amended into independent Claim 34. Thus, per the Examiner's statement of allowable subject matter, all pending claims are now in allowable form. Therefore, the Applicants respectfully solicit timely allowance of the application.

10  
15

## CONCLUSION

The Applicants respectfully submit that in light of the above amendment/remarks, all claims are now in allowable condition. The Applicants thus respectfully request timely allowance of all of the pending claims.

5

Any claim amendments that are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve

10 grammar, and to reduce the time and effort required of those skilled in the art to clearly understand the scope of the claim language. Furthermore, any new claims presented above are of course intended to avoid the prior art, but are not intended as replacements or substitutes of any cancelled claims. They are simply additional specific statements of inventive concepts described in the application as originally filed.

15

Further, it should be noted that amendment(s) to any claim is intended to comply with the requirements of the Office Action in order to elicit an early allowance, and is not intended to prejudice Applicants' rights or in any way to create an estoppel preventing Applicants from arguing allowability of the originally filed claim in further off-spring  
20 applications.

In the event the Examiner wishes to discuss any aspect of this response, or believes that a conversation with either Applicants or Applicants' representative would be beneficial, the Examiner is encouraged to contact the undersigned at the telephone number indicated  
25 below.

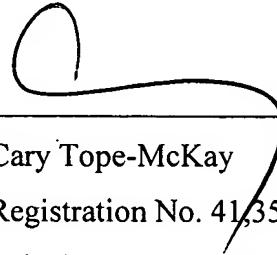
The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to the attached credit card form. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition  
30 to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed. The petition fee due

Reply to Office Action of March 16, 2009

in connection therewith may be charged to deposit account no. 50-2691 if a credit card form has not been included with this correspondence, or if the credit card could not be charged.

5

Respectfully submitted,



Cary Tope-McKay  
Registration No. 41,350  
Tel.: (310) 589-8158

10